

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

LYNDON B. JOHNSON, Jr.,)
Petitioner,)
v.) CV417-011
DOUG WILLIAMS,)
Respondent.)

ORDER

Lyndon Johnson is a prisoner housed at the Smith State Prison in Tatnall County, Georgia, for crimes committed in Dougherty County, Georgia. Doc. 1; *see* Georgia Department of Corrections Inmate Locator, <http://www.dcor.state.ga.us/GDC/OffenderQuery/>. He has filed a petition for writ of habeas corpus, alleging, *inter alia*, ineffective assistance of counsel in his state criminal trial and appeal. Doc. 1.

He evidently chose to file his § 2254 petition in this judicial district because he is incarcerated in Tatnall County. *See* 28 U.S.C. § 90(c)(6) (Statesboro division). He was convicted, however, in Dougherty County, which lies within the Middle District of Georgia. *See* 28 U.S.C. § 90(b)(5) (Dougherty County is in the Albany Division of the Middle District). A federal habeas petitioner is allowed to file his petition in either the

district where he was convicted or in the district where he is confined. 28 U.S.C. § 2241(d); *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir. 2008). Hence, both this Court and the Middle District concurrently have jurisdiction to hear his case.

Nevertheless, it is longstanding judicial policy and practice to funnel such petitions into the district within which the state prisoner was convicted, since that will be the most convenient forum. *Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970); see *Wright*, 263 F. App'x at 795. That practice also fosters an equitable distribution of habeas cases between the districts.

This case is therefore **TRANSFERRED** to the Middle District of Georgia for all further proceedings. See 28 U.S.C. § 1404(a); *Rufus v. Kemp*, 2013 WL 2659983 at * 1 (S.D. Ga. June 12, 2013).

SO ORDERED, this 23rd day of January, 2017.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA